

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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**SALIM SHAHRIAR, MUHAMMAD  
ISLAM, AND MARY HARVEY on  
behalf of themselves and all others  
similarly situated,**

**INDEX NO: 08 CIV 057(MGC)**

**Plaintiffs,**

**v.**

**SMITH & WOLLENSKY  
RESTAURANT GROUP, INC. d/b/a  
PARK AVENUE RESTAURANT AND  
FOURTH WALLS RESTAURANTS  
LLC, d/b/a PARK AVENUE  
RESTAURANT,**

**NOTICE OF MOTION**

PLEASE TAKE NOTICE that upon the accompanying Memorandum of Law, Plaintiff will and hereby does move this Court before the Honorable Miriam G. Cedarbaum, United States District Court, Southern District of New York, 500 Pearl Street, New York, NY 10007, on a date to be determined by the Court or as soon thereafter as counsel may be heard for an order certifying the Class pursuant to Fed. R. Civ. P. 23.

Dated: November 11, 2009  
New York, New York

JOSEPH & HERZFELD LLP

/s/ Matthew D. Kadushin  
Matthew D. Kadushin (MK 1968)

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